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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS MAURICIO CASTENON,

Defendant.

CASE NO. 1:22-CR-00309-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: December 11, 2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO CASTENON, by and through defendant's counsel of record, Anthony Capozzi, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 11, 2024.
2. By this stipulation, defendant now moves to vacate the status conference and docket the case for trial on July 15, 2025, and to exclude time between December 11, 2024, and July 15, 2025, under 18 U.S.C. § 3161(h)(7)(A), B(iv) for the following reasons:

- a) As previously outlined, during the week of August 8, 2024, the Government learned new, derogatory information about one of the material witnesses in the case. The Government disclosed this information to the defense counsel and conducted an investigation

1 into the information.

2 b) The Government completed the investigation into the information and disclosed
3 additional new information to the Defense. The Government also individually assessed how the
4 information impacted each defendant's case. With respect to Mr. Reyes, the Government moved
5 to dismiss the charges against him on November 18, 2024. With respect to Mr. Castenon, the
6 Government is working on revising a plea offer that is more beneficial to Mr. Castenon. The
7 Government will revise the plea agreement and provide it to the defense no later than December
8 3, 2024.

9 c) The parties therefore request to docket this case for trial on July 15, 2024. In the
10 interim, the parties will continue to investigate this new information, assess how it impacts the
11 case, negotiate potential resolution via a plea agreement, and prepare for trial. The parties have
12 accounted for scheduling conflicts, including other trials.

13 d) Counsel for the defendant desires this time to discuss the new information with
14 his client, conduct their own investigation into the information, and to discuss potential revised
15 resolutions with his client, to prepare pretrial motions, and to otherwise prepare for trial.

16 e) Counsel for the defendant believes that failure to grant the above-requested
17 continuance would deny them the reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.

19 f) The government does not object to the continuance.

20 g) Based on the above-stated findings, the ends of justice served by continuing the
21 case as requested outweigh the interest of the public and the defendant in a trial within the
22 original date prescribed by the Speedy Trial Act.

23 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
24 et seq., within which trial must commence, the time period of December 11, 2024 to July 15,
25 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
26 results from a continuance granted by the Court at defendant's request on the basis of the Court's
27 finding that the ends of justice served by taking such action outweigh the best interest of the
28 public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence. IT IS SO STIPULATED.

DATED: November 25, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ Arin C. Heinz
ARIN C. HEINZ
Assistant U.S. Attorney

DATED: November 25, 2024

By: /s/ Anthony Capozzi
ANTHONY CAPOZZI
Attorney for Defendant
LUIS MAURICIO CASTENON

ORDER

IT IS SO ORDERED that the status conference set for December 11, 2024, is vacated. A jury trial is set for **July 15, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Estimate time of trial is **4-5 days**. A trial confirmation is set for **June 30, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: November 29, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE